

Remarks/Argument

The office action and references have been reviewed. Claims 1-20 have been rejected. Claim 12 has been canceled. Claims 1-11 and 13-20 remain pending. Claims 1-9, 11, 14-15, and 20 have been amended. The Applicants have amended the Abstract to more clearly describe the invention.

35 U.S.C. §102 Rejections

On the merits, claims 1-14, and 17-20 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Remington et al. (U.S. Patent No. 6,968,319). This ground of rejection is respectfully traversed. Reconsideration of this rejection in view of the following comments submitted herewith is respectfully solicited.

It is axiomatic in the patent law that to reject a claim under 35 U.S.C. §102, each and every limitation must be found, expressly or inherently, in a single reference and arranged as required by the claims such that the reference discloses the identical invention. *See* MPEP § 2131. Anticipation is not established if in reading a claim on something disclosed in a reference it is necessary to pick, choose, and combine various portions of the disclosure not directly related to each other by the teachings of the reference. *See Ex parte Beuther*, 71 USPQ2d 1313 (BdPatApp&Int 2003), citing *In re Arkley*, 172 USPQ 524, 526 (CCPA 1972). A reference applied as anticipatory of the claimed invention under 35 U.S.C. §102 must be enabling so as to place one of ordinary skill in the art in possession of the claimed invention. *See Akzo N.V. v. United States Int'l Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986) cert. denied, 482 U.S. 909, (1987); *In re Spada*, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990). As explained in the often-cited treatise Chisum on Patents "to constitute an anticipation, a printed publication must describe the invention. The description must be adequate to a person with ordinary skill in the art to which the invention pertains. By the weight of authority, the description must enable such a person not only to comprehend the invention but also to make it." That is, in order for a reference to be used to construct an anticipation rejection under 35 U.S.C. §102, the reference must enable one of skill in the art to make and use the claimed invention. *See Bristol-Meyers Squibb Co. v. Ben Venue Laboratories, Inc.* 246 F.3d 1368, 1374, 58 USPQ2d 1508 (Fed. Cir. 2001).

It is respectfully submitted that Remington et al. '319 does not disclose, explicitly or inherently, the invention as claimed by claims 1-14, and 17-20, and therefore cannot anticipate these claims.

Applicant's invention is directed to an electronic bill presentment and payment ("EBPP") system in which bill presentment and payment is facilitated by a single service provider to a number of different, and hitherto incompatible, bill presentment and payment sites having completely different interfaces. This is accomplished by providing a portal interface element which is capable of interacting with any of the various interfaces and formats used by the different bill presentment and payment sites. A conversion processor converts data received from billers into a format compatible with the database that stores data relating to the bills from the billers. An authentication element determines whether a consumer meets certain predetermined requirements using such as for example, a third party credit verifier such as a credit reporting agency before the consumer is allowed access to the database.

Independent claim 1 as amended requires, *inter alia*, a bill presentment and payment system that: supports a plurality of visual interfaces, each supported by an Internet site different from other of said visual interfaces, each of the visual interfaces capable of allowing a consumer to review and pay the consumer's bills; converts data received from a plurality of billers into a format that is compatible with a database in the bill presentment and payment system; and determines whether a consumer meets certain predetermined requirements before a new account is authorized to allow the consumer to access the database.

Independent claims 9 and 20 as amended require, *inter alia*, the steps of: supporting a plurality of visual interfaces, each supported by an Internet site different from other of said visual interfaces, each of the visual interfaces capable of allowing a consumer to review and pay the consumer's bills; converting data received from a plurality of billers into a format that is compatible with a database; and determining whether a consumer meets certain predetermined requirements before a new account is authorized to allow the consumer to access the database.

Applicant's amendments have presented the patentable aspect of the claims in a manner which clearly distinguishes them over the Remington et al. reference cited by the Office Action. Remington et al. quite simply does not contemplate, far less implement, the use of a bill presentment and payment system which may be used with any of a wide variety of different, hitherto incompatible, bill presentment and payment portals.

Additionally, Remington et al. teaches that a biller controls the particular format in which a bill is presented to a consumer. Remington et al. does not contemplate or implement a

conversion processor that converts data received from billers into a format compatible with a database in the bill presentment and payment system.

Furthermore, Remington et al. teaches that a consumer can authenticate that a bill did come from a biller, that a digital certificate of the consumer authorizing payment may be sent to the biller, and that a digital signature is often used to verify the source of information on a network such as the Internet. Remington et al. does not contemplate or implement authenticating a consumer before the consumer is allowed access to the database in the bill presentment and payment system.

In view of the foregoing, it is respectfully submitted that Remington et al. does not teach all of the elements of Claims 1, 9, and 20. Claims 2-8, 10-11, 13-14, (claim 12 having been canceled) and 17-19 depend from claims 1 or 9 and are believed to be patentable at this time for at least the same reasons as claims 1 and 9. It is therefore respectfully requested that the rejection of claims 1-11, 13-14, and 17-20 be withdrawn.

35 U.S.C. §103 Rejections

To establish a prima facie case of obviousness, there must be some reason why a person of ordinary skill in the art would combine the prior art elements in the manner claimed. Any proposed modification cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of a reference. There must be a reasonable expectation of success. See MPEP 2143. Conclusory statements cannot be relied on when dealing with particular combinations of prior art and specific claims. The rationale for combining references must be put forth. *In re Lee*, 61 U.S.P.Q.2d 1430, 1433. The Examiner can satisfy the burden of showing obviousness of the combination "only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." The requirement to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed has been reiterated by the Deputy Commissioner for Patent Operations on May 3, 2007.

The Office Action rejected claims 15 and 16 as being unpatentable over Remington in view of Schutzer (U.S. Patent No. 6,292,789). This ground of rejection is respectfully traversed. Reconsideration of this rejection in view of the following comments submitted herewith is respectfully solicited.

With respect to claim 15, the Office Action states that Remington does not disclose a method further comprising the step of allowing said consumer to inquire online about status of at least one bill, said inquiry being conveyed to particular billers. The Office Action states that Schutzer makes this disclosure (referring to fig. 20 of Schutzer) and that it would have been obvious to combine Remington and Schutzer to speed up bill presentment and payment process.

Fig. 20 of Schutzer is a flow chart regarding the process of a biller requesting information about the status of a bill from the biller to the consumer. Schutzer does not contemplate or implement the step of allowing a consumer to run an inquiry online about the status of at least one bill, said inquiry being conveyed to particular billers.

Therefore, neither Remington nor Schutzer, singly or in combination, teach or suggest all of the elements of claim 15. Furthermore, claim 15 depends from claim 9 and is believed to be patentable for at least the same reasons set forth above for claim 9. It is therefore respectfully requested that the rejection of claim 15 be withdrawn.

With respect to claim 16, the Office Action states that Remington does not disclose a method further comprising the step of automatically notifying a biller when a consumer has paid a bill and that Schutzer makes the disclosure (referring to col. 15, lines 30-34 of Schutzer).

It is respectfully submitted that the rejection of claim 16 does not identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed. For this reason alone, the rejection of claim 16 should be withdrawn.

Claim 16 depends from claim 9, which requires *inter alia*, the steps of: supporting a plurality of visual interfaces, each supported by an Internet site different from other of said visual interfaces, each of the visual interfaces capable of allowing a consumer to review and pay the consumer's bills; converting data received from a plurality of billers into a format that is compatible with a database; and determining whether a consumer meets certain predetermined requirements before a new account is authorized to allow the consumer to access the database. No teaching or suggestion of all of these steps could be found in Schutzer. Therefore, it is respectfully submitted that neither Remington nor Schutzer, singly or in combination, teach or suggest all of the limitations of claim 16. It is therefore respectfully requested that the rejection of claim 16 be withdrawn.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a

telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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